



LEONIDAS RALPH MECHAM
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

CLARENCE A. LEE, JR.
Associate Director

WASHINGTON, D.C. 20544

April 9, 2002

**MEMORANDUM TO: CHIEF JUDGES, UNITED STATES DISTRICT COURTS
CLERKS, UNITED STATES DISTRICT COURTS**

SUBJECT: Electronic Public Access Fees for CM/ECF Documents in District Courts

EFFECTIVE DATE: July 1, 2002 (IMPORTANT INFORMATION)

The Administrative Office, with the support of the Judicial Conference Committee on Information Technology, is developing and implementing the new Case Management/Electronic Case Files (CM/ECF) system. The goal of this project is to replace the aging case management systems in the appellate, district and bankruptcy courts with a next generation application providing for case file documents in electronic format and enabling courts to accept filings over the Internet if they so choose. Deployment of the CM/ECF system to bankruptcy courts is well underway, and roll-out of the district application is scheduled to begin in May of this year.

The current Electronic Public Access Fee Schedule imposes a charge of seven cents per page for electronic data obtained remotely from the public dockets of individual case records in the court. This charge is collected by the Administrative Office through its Electronic Public Access (EPA) Program and applies to docket sheets and images of filed case documents obtained through the Public Access to Court Electronic Records (PACER) system or through any other means provided by the courts. The capacity for fee collection by the PACER Service Center is built into the first complete version (Version One) of the CM/ECF district software, so courts are not required to perform any additional work for fee collection or billing. Now that Version One has been developed and tested, the required seven cents per page charge (with the recently approved cap of thirty pages per document) will be applied in district courts as of **July 1, 2002**.

Although access to electronic information in district CM/ECF prototype courts is currently available free of charge, those courts have been advised that, as software development efforts for Version One are completed, they too must begin charging the required fee and that they should post a notice on their web sites sufficiently in advance that the seven cents per page fee will apply to case data retrieved through this system.

While this access fee applies to all non-judiciary CM/ECF users, it is important to note that it will **not** apply to official recipients of electronic documents, i.e. those parties legally

required to receive service or to whom service is directed by the filer in the context of service under the Federal Rules of Procedure. Parties will still be responsible for maintaining their own files, and an electronic copy beyond the initial free copy remotely accessed from the court will cost seven cents per page, compared to ten cents at the courthouse for a paper copy obtained through a public terminal, or fifty cents for a photocopy from the paper case file.

In addition, pursuant to Judicial Conference policy, courts may make local rules, forms and other local information available on their web sites free of charge. They may also exempt certain persons or classes of persons from payment of the public access fee, in order to avoid unreasonable burdens. Such exemptions should be granted as the exception not the rule, as the policy is intended to accommodate users who might otherwise not have access to information in electronic form, rather than as a means by which a court would exempt all users. It is the responsibility of each court to determine the manner in which the fee schedule is applied to its user community and to ensure that it is in compliance with national policy.

The implementation of CM/ECF represents the beginning of a dramatic change in the access to and use of court documents, and the enhanced efficiency and cost savings to the courts, the bar and the litigants will be great. If you have questions pertaining to this matter, please contact Mary Stickney, Chief of the EPA Program Office, at (202) 502-1500.

A handwritten signature in black ink, appearing to read "Leonidas Ralph Mecham". The signature is fluid and cursive, with the first name "Leonidas" and last name "Mecham" clearly distinguishable.

Leonidas Ralph Mecham